

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§	
	§	
Elgin Butler Company	§	Case No. 14-11180-tmd
	§	Chapter 11
	§	
DEBTOR	§	

MOTION OF THE UNITED STATES TRUSTEE
TO CONVERT CASE TO A CASE UNDER CHAPTER 7

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely response is necessary for a hearing to be held.

TO THE HONORABLE TONY M. DAVIS, U. S. BANKRUPTCY JUDGE:

COMES NOW, JUDY A. ROBBINS, United States Trustee for Region 7, through the undersigned counsel and files this Motion to Convert Case to a Case Under Chapter 7 pursuant to 11 U.S.C. §1112(b)(1), (2), and (4), and respectfully represents as follows:

1. The Court has jurisdiction of this matter under 28 U.S.C. § 134(a) and (b), 28 U.S.C. § 157(a) and (b)(1), 28 U.S.C. § 151, and 11 U.S.C. § 1112(b). This is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (B).

2. Elgin Butler Company filed a voluntary petition under Chapter 11 of Title 11, United States Code on August 10, 2014. The Court confirmed the Debtor's Modified Chapter 11 Plan of Reorganization on November 20, 2014.

3. Despite many requests by the UST and promises made by the Debtor, the Debtor has not filed any post-confirmation reports since the plan of reorganization was confirmed. This failure is one of the specific examples of "cause" in 11 U.S.C. §1112(d)(4)(H). Without these

post-confirmation reports, the Court, creditors, and the U.S. Trustee are unable to determine whether or not the Debtor is performing under the plan. Without these reports, the UST cannot calculate the precise amount of U.S. Trustees Program quarterly fees which the Debtor owes, further cause for the conversion of this case. 11 U.S.C. §1112(d)(4)(K). The UST estimates that the Debtor owes fees in the amount of \$19,500.00 for the third and fourth quarters of 2015.

4. For cause as described above, this case should be converted to a case under Chapter 7 of the Bankruptcy Code.

WHEREFORE, premises considered, the United States Trustee prays that the Court convert this case to a case under Chapter 7 for cause. The UST prays for any and all further relief as is equitable and just.

Respectfully submitted,

JUDY A. ROBBINS
UNITED STATES TRUSTEE
REGION 7

By: /s/ Valerie L. Wenger
Henry G. Hobbs, Jr.
Assistant U.S. Trustee
SBOT No. 0790116
Valerie L. Wenger
Trial Attorney
SBOT No. 21176300
903 San Jacinto Blvd., Rm. 230
Austin, TX 78701
512-916-5328
512-916-5331 fax
Valerie.l.wenger@usdoj.gov

CERTIFICATE OF SERVICE

I certify that I sent a true copy of this United States Trustee's Motion to Convert Case to a Case Under Chapter 7 by prepaid first class mail to the persons listed below and to the parties listed on Debtor's Mailing Matrix (not attached to service copies) on January 11, 2016.

/s/ Valerie L. Wenger
Valerie L. Wenger

Debtor:
Elgin Butler Company
Attn: Matt Galvez
365 FM 696
Elgin TX 78621

Debtor's Attorney:
Mark C. Taylor
Taube Summers et al
100 Congress Ave., Ste. 1800
Austin, TX 78701

Label Matrix for local noticing
0542-1
Case 14-11180-tmd
Western District of Texas
Austin
Mon Jan 11 10:39:03 CST 2016

Trikeenan Tileworks, Inc. of New York
365 Fm 696
Elgin, TX 78621-5034

AFLAC
Attn: Remittance Processing
1932 Wynnton Road
Columbus, GA 31993-0797

AT&T Mobility II LLC
%AT&T SERVICES INC.
KAREN A. CAVAGNARO PARALEGAL
ONE AT&T WAY, SUITE 3A104
BEDMINSTER, NJ 07921-2693

AT&T
PO Box 5019
Carol Stream, IL 60197-5019

AT&T Mobility
P.O. Box 6463
Carol Stream, IL 60197-6463

Acme Brick Company
631 Roundrock West Drive
Round Rock, TX 78681-5019

Aqua Water
Drawer P
Bastrop, TX 78602-1989

Atchley & Associates
6850 Austin Center Boulevard
Suite 180
Austin, TX 78731-3129

Automatic Data Processing
P.O. Box 842875
Boston, MA 02284-2875

Elgin Butler Company
365 FM 696
Elgin, TX 78621-5034

U.S. BANKRUPTCY COURT
903 SAN JACINTO, SUITE 322
AUSTIN, TX 78701-2450

AIG Property Casualty Inc
American International Group, Inc.
Ryan G. Foley, Authorized Rep
175 Water St 15th Fl
New York NY 10038-4918

AT&T
P.O. Box 5091
Carol Stream, IL 60197-5091

AT&T Capital Services, Inc.
13160 Collections Center Drive
Chicago, IL 60693-0131

Acme Brick Co.
c/o J. Robert Forshey
Forshey & Prostok, LLP
777 Main St., Suite 1290
Fort Worth, TX 76102-5316

Admiral Linen & Uniform
2030 Kipling
Houston, TX 77098-1599

Architect Forum
131 West 35th Street, 8th Floor
New York, NY 10001-2111

Austin Armature Works
304 Commercial Drive
Buda, TX 78610-3507

B&L Portable Toilets
P.O. Box 1371
Georgetown, TX 78627-1371

McIntyre Tile Company Inc.
365 FM 696
Elgin, TX 78621-5034

AAA Natural Stone
12407 N. Mopac Expy, Suite 250-380
Austin, TX 78758-2475

ASCO
PO Box 3888
Lubbock, TX 79452-3888

AT&T
PO Box 105414
Atlanta, GA 30348-5414

AT&T Corp
c/o AT&T Services, Inc
Karen A. Cavagnaro - Lead Paralegal
One AT&T Way, Room 3A104
Bedminster, NJ 07921-2693

Acme Brick Co.
c/o William L. Latham, General Counsel
PO Box 425
Fort Worth, TX 76101-0425

Ameritrans, Incorporated
1316 Brown Trail
Bedford, TX 76022-6402

Arnold Oil Company of Austin LP
Attn: Stephen O. Cutler
P.O. Box 6337
Austin, TX 78762-6337

Austin Freight Systems
P.O. Box 150595
Austin, TX 78715-0595

Bastrop County
P.O. Box 579
Bastrop, TX 78602-0579

Belden Brick Company
P.O. Box 20910
Canton, OH 44701-0910

Betz Entec Inc.
P.O. Box 846046
Dallas, TX 75284-6046

Brian O'Toole, P.C.
504 Lavaca Ste 945
Austin, TX 78701-2817

Brick Distributors Of
1440 Renaissance Drive Suite 340
Park Ridge, IL 60068-1471

Brick Industry Association
1850 Centennial Park Drive, Suite 301
Reston, VA 20191-1542

Browning-Ferris Ind. (Allied Waste Servi
Austin
PO Box 78829
Phoenix, AZ 85062-8829

CSA Transportation
355 Horner Avenue
Toronto, Ontario M8w 1z7

Capital Printing Co
P.O. Box 17548
Austin, TX 78760-7548

Capital Printing Co.
6024 45th Street
Lubbock, TX 79407-3706

Caprock Claims Management
P.O. Box 743427
Dallas, TX 75374-3427

Century West Properties
12327 Santa Monica Blvd., Ste 101
Los Angeles, CA 90025-2552

Ceramic Glazed Masonry Institu
P.O. Box 35575
Canton, OH 44735-5575

City of Austin
721 Barton Springs Rd
Austin, TX 78704-1145

City of Austin
PO Box 2267
Austin, TX 78768-2267

Columbus Bearing &
P.O. Box 2112
Victoria, TX 77902-2112

Comptroller of Public Accounts
C/O Office of the Attorney General
Bankruptcy - Collections Division MC-008
PO Box 12548
Austin TX 78711-2548

Con-Way Freight
P.O. Box 5160
Portland, OR 97208-5160

Coyote Logistics LLC
960 North Point Parkway
Suite 150
Alpharetta, GA 30005-4123

D & F Distributing Inc
7676 Hillmont Ste 125
Houston, TX 77040-6474

D&F Distributing Inc.
2501 Oak Lawn Ave.
Suite 820
Dallas, TX 75219-4000

(p)DELL FINANCIAL SERVICES
P O BOX 81577
AUSTIN TX 78708-1577

Dell Financial Services L.L.C.
c/o Streusand, Landon & Ozburn, LLP
811 Barton Springs Rd., Ste. 811
Austin, Texas 78704-1166

Diamond Speed Products, Inc.
P.O. Box 502
Franklin Park, IL 60131-0502

Documation
231 East Rhapsody
San Antonio, TX 78216-3115

Documation of Austin
P.O. Box 790448
St. Louis, MO 63179-0448

E&R Supply
1717 S. Chadbourne
San Angelo, TX 76903-8596

E. B. Liquidating Company
c/o Brian T. Cummings
Graves Dougherty Hearon & Moody, P.C.
401 Congress Ave., Suite 2200
Austin, TX 78701-3790

ETC Marketing
3738 Oak Lawn Ave
Dallas, TX 75219-4333

ETC Marketing, Ltd.
c/o John F. Higgins
Porter Hedges LLP
1000 Main Street, 36th Floor
Houston, TX 77002-6341

Eastern Technical Associates
P.O. Box 1009
Garner, NC 27529-1009

Elliott Electric Supply
10605 Delta Drive
Austin, TX 78758-4501

Endeka Ceramics, Inc.
P.O. Box 934597
Atlanta, GA 31193-4597

Energy Transfer Fuel
P.O.Box 951439
Dallas, TX 75395-1439

Energy Transfer Fuel, LP
c/o John F. Higgins
Porter Hedges LLP
1000 Main Street, 36th Floor
Houston, TX 77002-6341

Energy Transfer Partners, LP
c/o John F. Higgins
Porter Hedges LLP
1000 Main St 36th Fl
Houston, TX 77002-6341

FedEx Tech Connect Inc as Assignee
of FedEx Express/Ground/Freight/Office
3965 Airways Blvd, Module G, 3rd Fl
Memphis TN 38116-5017

Federal Express Corp.
P.O. Box 660481
Dallas, TX 75266-0481

Fedex Freight East
P.O. Box 10306
Palatine, IL 60055-0306

Frost Bank
Attn: Jennifer Crabtree
P.O. Box 16509
Ft. Worth, TX 76162-0509

Frost Bank
c/o Leslie M. Luttrell
Luttrell + Villarreal Law Group
400 N. Loop 1604 E, Ste. 208
San Antonio, TX 78232-1246

GCS Technologies, Inc.
8701 N. Mopac
Austin, TX 78759-8371

GE Betz
12 Old Hollow Road
Suite B
Trumbull, CT 06611-5523

GENERAL SHALE PRODUCTS
3015 BRISTOL HWY
JOHNSON CITY, TN 37601-1511

General Shale Products
3015 Bristol Highway
Johnson City, TN 37601-1511

Glenn Reisman, Esq
12 Old Hollow Road
Suite B
Trumbull, CT 06611-5523

(p)GREATAMERICA FINANCIAL SERVICES CORPORATIO
PO BOX 609
CEDAR RAPIDS IA 52406-0609

GreatAmerica Financial Svcs Corp
fka GreatAmerica Leasing Corp.
c/o Peggy Upton, Litigation Specialist
PO Box 609
Cedar Rapids IA 52406-0609

H.C. Muddox
PABCO Clay Products, LLC Legal Departmen
10600 White Rock Road, Suite 100
Rancho Cordova, CA 95670-6294

Hagemeyer North America
PO Box 404753
Atlanta, GA 30384-4753

Hebron Brick & Block
2300 Main Avenue
Fargo, ND 58103-1340

Hill Country Electric Supply
P.O. Box 577
San Antonio, TX 78292-0577

ING Retirement Service
P.O. Box 602263
Charlotte, NC 28260-2263

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

Kenfield Golf Cars
13357 Pond Springs Road
Austin, TX 78729-7108

Kimberly A. Walsh
Assistant Attorney General
Bankruptcy & Collections Division MC 008
PO Box 12548
Austin, TX 78711 2548

Leighanne Sicre
1851 N. Resier
El Paso, TX 79912-8023

Leslie M. Luttrell
Luttrell + Villarreal Law Group
400 N. Loop 1604E,Ste. 208
San Antonio, TX 78232-1246

Lincoln Financial Group
PO BOX 0821
Carol Stream, IL 60132-0821

Lincoln National Life Insurance Company
P.O. Box 0821
Carol Stream, IL 60132-0821

Liquidity Solutions, Inc.
1 University Plaza, Suite 312
Hackensack, NJ 07601-6205

MSC Industrial Supply Co.
Attn: Legal Dept.
75 Maxess Road
Melville, NY 11747-3151

Manfredini & Schianchi S.R.L.
Via Dallari 2
41049 Sassuolo (Mo)
Italy,

Mason Color Works
250 East 2nd Street
East Liverpool, OH 43920-3110

Matson Logistics Services LLC
PO Box 71-4491
Columbus, OH 43271-4491

McGraw Hill Construction
7625 Collection Center Drive
Chicago, IL 60693-0076

McGraw-Hill Construction
148 Princeton-Hightstown Rd
Hightstown, NJ 08520-1450

McGraw-Hill Construction, Credit/Collection
148 Princeton-Hightstown Rd.
Hightstown, NJ 08520-1412

McMaster-Carr Supply Co.
6100 Fulton Industrial Blvd.
Atlanta, GA 30336-2852

Microsoft Financing
P.O. Box 842103
Dallas, TX 75284-2103

Monarch Paint Company
P.O. Box 676340
Dallas, TX 75267-6340

Myramid Analytical Inc
PO Box 91417
Austin, TX 78709-1417

NMHG Finanical Services
1010 Thomas Edison Blvd SW
Cedar Rapids, IA 52404-8247

NRG Laser Inc
61535 S Hwy 97
Suite 9-243
Bend, OR 97702-2154

National Converting & Packaging Corp.
P.O. Box 16807
Atlanta, GA 30321-0807

New York Business Development Corporation
c/o C. Daniel Roberts
1602 East Cesar Chavez
Austin, Texas 78702-4456

New York Business Development Corporation
c/o Paul A. Levine, Esq.
Lemery Greisler LLC
50 Beaver Street - 2nd Fl.
Albany, New York 12207-1538

New York Business Development, Corp
c/o C. Daniel Roberts
C. Daniel Roberts & Associates, P.C.
1602 E Cesar Chavez
Austin, TX 78702-4456

O'Reilly's Auto Parts
P.O. Box 9464
Springfield, MO 65801-9464

Office Depot
6600 N. Military Trail-S413G
Boca Raton, FL 33496-2434

Orkin Extermination Co.
5810 Trade Center Dr Ste 300
Austin, TX 78744-1365

Ozarka Spring Water Co.
Processing Center
P.O. Box 856680
Louisville, KY 40285-6680

PMI Steel Pipe
6385 Hwy Us 87 E
San Antonio, TX 78222-1810

PS Business Park
P.O. Box 200697-05
Dallas, TX 75320-0697

PS Business Parks, Inc.
c/o Kell C. Mercer
Husch Blackwell LLP
111 Congress Ave., Suite 1400
Austin, TX 78701-4093

Pacific Bell Telephone Company
c/o AT&T Services Inc.
Karen A. Cavagnaro - Lead Paralegal
One AT&T Way, Room 3A104
Bedminster, NJ 07921-2693

Pennsy Supply Inc.
1001 Paxton St.
Harrisburg, PA 17104-1697

Pipe Movers Inc.
dba PMI Steel Pipe
c/o IRA M. Karp Attorney
320 Lexington Ave.
San Antonio, TX 78215-1913

Pitney Bowes
PO Box 371896
Pittsburgh, PA 15250-7896

Pitney Bowes Credit Corp.
PO Box 371887
Pittsburgh, PA 15250-7887

Pitney Bowes Inc
4901 Belfort Rd, Ste 120
Jacksonville FL 32256-6016

Protech International
5521 Cannon Drive
Suite 102
Monroe, NC 28110-7969

Puhrsite LLC
2504-A Kinney Rd.
Austin, TX 78704-4920

Purchase Power
P.O. Box 371874
Pittsburgh, PA 15250-7874

RABCO Ceramics Supply
10 Venture Way
Sykesville, MD 21784-6939

ROMCO Equipment Company
c/o Heather H. Jobe, Esq.
Bell Nunnally & Martin LLP
3232 McKinney Avenue, Suite 1400
Dallas, Texas 75204-7422

Reliant
P.O. Box 650475
Dallas, TX 75265-0475

Reliant Energy Retail Services, LLC
P. O. Box 1046
Houston, TX 77251-1046

Riata
12320 Alameda Trace Circle
Austin, TX 78727-6459

Ridgestone Bank
13925 West North Ave.
Brookfield, WI 53005-4976

Ridgestone Bank
c/o Simon, PLC Attorneys & Counselors
10000 N Central Expwy, #40
Dallas, TX 75231-4177

SEW-Eurodrive
P.O. Box 951012
Rick
Dallas, TX 75395-1012

Saia Motor Freight
P.O. Box A Station 1
Houma, LA 70361-5901

Sammy Lerma III, M.D.P.A.
PO Box 664
Bastrop, TX 78602-0664

San Antonio Armature Works
1015 North Colorado
San Antonio, TX 78207-1759

Signode Industry
P.O. Box 71506
Chicago, IL 60694-1506

Sioux City Brick & Tile
Company
P.O. Box 807
Sioux City, IA 51102-0807

Sonoma County Tax Collector
585 Fiscal Dr #100
Santa Rosa CA 95403-2835

Southside Market
1212 Hwy 290
Elgin, TX 78621-2019

Southwest Heater & Controls
10601 Control Place (114)
Jerry@Swhc.Com
Dallas, TX 75238

Southwestern Bell Telephone Company
c/o AT&T Services, Inc.
Karen A. Cavagnaro-Lead Paralegal
One AT&T Way, Room 3A104
Bedminster, NJ 07921-2693

Statewide Zone Capital Corporation of New Yo
c/o C. Daniel Roberts
1602 East Cesar Chavez
Austin, Texas 78702-4456

Steuben Trust Company
c/o C. Daniel Roberts
C. Daniel Roberts & Associates, P.C.
1602 East Cesar Chavez
Austin, Texas 78702-4456

Stewart & Stevenson
13711 Thermal Drive
Austin, TX 78728-7733

T K Group, Inc.
1781 S. Bell School Rd.
Cherry Valley, IL 61016-9338

TXU ENERGY RETAIL COMPANY LLC
C/O BANKRUPTCY DEPARTMENT
PO BOX 650393
DALLAS TX 75265-0393

Tannor Partners Credit Fund LP
150 Grand Street Ste 401
White Plains, NY 10601-4846

Texas Assoc. of Business
1209 Nueces Street
Austin, TX 78701-1719

Texas Commission on Environmental Quality
MC 132-Bankruptcy Program
PO Box 13087
Austin, Tx. 78711-3087

Texas Gas Service
P.O. Box 269042
Oklahoma City, OK 73126-9042

Texas Life Insurance
P.O. Box 2209
Waco, TX 76703-2209

Texas Masonry Council
PO Box 4278
Waco, TX 76708-0416

Texas Welding Supply
4705 Commercial Park Drive
Austin, TX 78724-2634

The Jake Group
3214 O Street, NW
Washington, DC 20007-3273

The National Brick Research
100 Clemson Research Blvd.
Anderson, SC 29625-6548

The O'Toole Law Firm, PC
c/o Brian O'Toole
504 Lavaca, Suite 945
Austin, TX 78701-2817

The Tuscany
4716 Duval Road
Austin, TX 78727-6809

Tina Raiford
12320 Alameda Trace Circle #1405
Austin, TX 78727-6467

Townley Lumber
P.O. Box 726
Henderson, TX 75653-0726

Transport Services Inc.
P.O. Box 378
Pflugerville, TX 78691-0378

Trinity Ceramic Supply
9016 Diplomacy Row
Dallas, TX 75247-5387

True Value
PO Box 712
Elgin, TX 78621-0712

U.S. Trustee
903 San Jacinto Blvd., Suite 230
Austin, TX 78701-2450

US Bank NA dba US Bank Equipment Finance
1310 Madrid Street
Marshall, MN 56258-4099

Uline
2200 S. Lakeside Drive
Waukegan, IL 60085-8311

Unimin Corporation
258 Elm Street
New Canaan, CT 06840-5300

Unimin Corporation
P.O. Box 198867
Atlanta, GA 30384-8867

United States Trustee - AU12
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701-2450

Univar
P.O. Box 849027
Dallas, TX 75284-9027

Victoria Bearing & Industrial Supply, Inc.
P.O. Box 2112
Victoria, TX 77902-2112

WW Grainger Inc.
c/o Special Collections Dept
MES1780509242
7300 N melvina
Niles IL 60714-3906

Willis of Texas Inc.
P.O. Box 731739
Dallas, TX 75373-1739

Mark Curtis Taylor
Taube Summers et al
100 Congress Ave, Suite 1800
Austin, TX 78701-4042

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Dell Business Credit
PO Box 5275
Carol Stream, IL 60197-5275

(d)Dell Financial Services
Payment Processing Center
PO Box 5292
Carol Stream, IL 60197-5292

(d)Dell Financial Services, LLC
Resurgent Capital Services
PO Box 10390
Greenville, SC 29603-0390

Great America Leasing Corporation
PO Box 660831
Dallas, TX 75266-0831

(d)Great American Leasing
P.O. Box 660831
Dallas, TX 75266-0831

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)AT&T Mobility
P.O. Box 6463
Carol Stream, IL 60197-6463

(d)E.B. Liquidating Company
c/o Brian T. Cumings
Graves Dougherty Hearon & Moody, P.C.
401 Congress Ave., Suite 2200
Austin, TX 78701-3790

(d)Townley Lumber
PO Box 726
Henderson, TX 75653-0726

End of Label Matrix
Mailable recipients 171
Bypassed recipients 3
Total 174